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THE RIGHT TO DEVELOPMENT

Written statement* submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

Protection of the right to development

1. The right to development, reaffirmed at the previous session of the Commission on Human Rights by resolution 1999/97 of 26 April 1999, is contravened not only by the structures of international trade and the nature of this trade, which lies at the root of the debt problem, but also by the legal rules imposed by industrial countries.

2. Thus, for example, the right to foreign investment only guarantees protection for the interests of the investor and takes no account of the interests of the countries which have been "invested in". When disputes arise, arbitration establishes a jurisprudence that consistently favours the investor.

3. The law of international patents also violates the right to development and the public interest, as stated in World Health Assembly resolution WHA52.19 of 22 May 1999 (Revised drug strategy).

4. The efforts of the United States and the industrial powers to allow transnational firms to acquire a legal status similar to that of States (as was the case with the fortunately abortive draft Multilateral Agreement on Investment) are attempts to openly thwart the right to development which, by contrast, insists on an equitable distribution of the world's gross domestic product (GDP) as emphasized by the United Nations Development Programme (UNDP) in its annual Human Development Report, thereby making it possible to realize the concept of a "global commonality". The example of water is revealing: the Secretary-General stated in June 1997 that "current water resources-use patterns are for the most part unsustainable". This is why one out of five people in the South does not have access to safe drinking water while water is squandered in industrial countries. An American consumes 900 litres of water a day; an African just 30.

5. The right to development can only be exercised through the protective and equitable management of resources, an "active and democratic multilateralism" contrasting with "classical" Western international economic law which merely serves the economies of the developed countries.

6. The Commission on Human Rights is thus justified in taking steps to prepare a schedule of international legal standards with a view to exposing their contradictions and thereby helping to forge a coherent and undistorted legal system favourable to human rights, the only effective means of exercising the right to development.